

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Torlakson

October 28, 2009

An act to amend Sections 47602, 47605, 47605.6, and 47607 of, and to add Section 47605.9 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Torlakson. Charter schools.

(1) The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act limits the maximum number of charter schools authorized to operate in the state each year, as specified.

This bill would delete that limitation.

(2) The Charter Schools Act specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school. The act authorizes the governing board of a school district or a county board of education to deny a charter petition if the board makes written factual findings that demonstrate that the petition does not contain reasonably comprehensive descriptions of the measurable pupil outcomes identified for use by the charter school.

This bill, commencing January 1, 2010, or the effective date of the bill, whichever date is later, would require a standard or countywide charter school petition to contain a comprehensive description of measurable pupil outcomes selected by the applicant school that are

consistent with the skills, knowledge, and attitudes identified as goals in the school's educational program and include specified components, and would authorize the denial of a charter petition if the measurable pupil outcomes described in the petition are not in compliance with these requirements. By January 1, 2012, the bill would require all charter schools authorized prior to January 1, 2010, or the effective date of the bill, whichever date is later, to submit to the authorizing school district or agency a comprehensive description of measurable pupil outcomes selected by the school pursuant to these provisions. The bill also would require a charter school that has selected measurable pupil outcomes pursuant to these provisions to use the measurable pupil outcomes for purposes of annual assessment of pupil performance and annually to submit the outcomes to the authorizing school district or agency, the Superintendent, and the State Board of Education. By requiring charter schools to perform additional duties, the bill would impose a state-mandated local program.

(3) The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The act specifies the criteria a charter school is required to meet in order to receive a renewal of its charter.

This bill, commencing January 1, 2011, or the effective date of the bill, whichever date is later, would require all charter renewals to contain a comprehensive description of measurable pupil outcomes selected by the school that are consistent with the skills, knowledge, and attitudes identified as goals in the school's educational program and include specified components. The bill would require a charter school that receives a renewal of its charter to use the measurable pupil outcomes for purposes of annual assessment of pupil performance and annually to submit the outcomes to the authorizing district or agency and the state board. By requiring charter schools to perform additional duties in order to obtain a charter renewal, the bill would impose a state-mandated local program.

(4) The Charter Schools Act authorizes a chartering authority to revoke a charter if the authority finds, through a showing of substantial evidence, that the charter school commits one of several specified acts or failures to act, including, among others, the failure to meet or pursue any of the pupil outcomes identified in the charter.

This bill would clarify that provision to authorize the revocation of a charter if the charter school fails to meet or pursue any of the pupil

outcomes identified in the charter pursuant to the provisions of the bill discussed in paragraph (2) above.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47602 of the Education Code is amended
2 to read:
3 47602. (a) (1) ~~In the 1998–99 school year, the maximum total~~
4 ~~number of charter schools authorized to operate in this state shall~~
5 ~~be 250. In the 1999–2000 school year, and in each successive~~
6 ~~school year thereafter, an additional 100 charter schools are~~
7 ~~authorized to operate in this state each successive school year. For~~
8 ~~the purposes of implementing this section, the State Board of~~
9 ~~Education~~ *The state board* shall assign a number to each charter
10 petition that it grants pursuant to subdivision (j) of Section 47605
11 or Section 47605.8 and to each charter notice it receives pursuant
12 to this part, based on the chronological order in which the notice
13 is received. Each number assigned by the state board on or after
14 January 1, 2003, shall correspond to a single petition that identifies
15 a charter school that will operate within the geographic and site
16 limitations of this part. ~~The State Board of Education~~ *state board*
17 shall develop a numbering system for charter schools that identifies
18 each school associated with a charter ~~and that operates within the~~
19 ~~existing limit on the number of charter schools that can be approved~~
20 ~~each year.~~ For purposes of this section, sites that share educational
21 programs and serve similar pupil populations may not be counted
22 as separate schools. Sites that do not share a common educational
23 program shall be considered separate schools for purposes of this
24 section. ~~The limits contained in this paragraph may not be waived~~
25 ~~by the State Board of Education pursuant to Section 33050 or any~~
26 ~~other provision of law.~~

(2) By July 1, 2003, the Legislative Analyst shall, pursuant to the criteria in Section 47616.5, report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of charter schools authorized pursuant to this section.

(b) No charter shall be granted under this part that authorizes the conversion of any private school to a charter school. No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. ~~The State Board of Education~~ *state board* shall adopt regulations to implement this section.

SEC. 2. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition has been signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

1 (3) A petition shall include a prominent statement that a
2 signature on the petition means that the parent or legal guardian
3 is meaningfully interested in having his or her child or ward attend
4 the charter school, or in the case of a teacher's signature, means
5 that the teacher is meaningfully interested in teaching at the charter
6 school. The proposed charter shall be attached to the petition.

7 (4) After receiving approval of its petition, a charter school that
8 proposes to establish operations at one or more additional sites
9 shall request a material revision to its charter and shall notify the
10 authority that granted its charter of those additional locations. The
11 authority that granted its charter shall consider whether to approve
12 those additional locations at an open, public meeting. If the
13 additional locations are approved, they shall be a material revision
14 to the charter school's charter.

15 (5) A charter school that is unable to locate within the
16 jurisdiction of the chartering school district may establish one site
17 outside the boundaries of the school district, but within the county
18 in which that school district is located, if the school district within
19 the jurisdiction of which the charter school proposes to operate is
20 notified in advance of the charter petition approval, the county
21 superintendent of schools and the Superintendent are notified of
22 the location of the charter school before it commences operations,
23 and either of the following circumstances exist:

24 (A) The school has attempted to locate a single site or facility
25 to house the entire program, but a site or facility is unavailable in
26 the area in which the school chooses to locate.

27 (B) The site is needed for temporary use during a construction
28 or expansion project.

29 (6) Commencing January 1, 2003, a petition to establish a charter
30 school may not be approved to serve pupils in a grade level that
31 is not served by the school district of the governing board
32 considering the petition, unless the petition proposes to serve pupils
33 in all of the grade levels served by that school district.

34 (b) No later than 30 days after receiving a petition, in accordance
35 with subdivision (a), the governing board of the school district
36 shall hold a public hearing on the provisions of the charter, at
37 which time the governing board of the school district shall consider
38 the level of support for the petition by teachers employed by the
39 district, other employees of the district, and parents. Following
40 review of the petition and the public hearing, the governing board

1 of the school district shall either grant or deny the charter within
2 60 days of receipt of the petition, provided, however, that the date
3 may be extended by an additional 30 days if both parties agree to
4 the extension. In reviewing petitions for the establishment of
5 charter schools pursuant to this section, the chartering authority
6 shall be guided by the intent of the Legislature that charter schools
7 are and should become an integral part of the California educational
8 system and that establishment of charter schools should be
9 encouraged. The governing board of the school district shall grant
10 a charter for the operation of a school under this part if it is satisfied
11 that granting the charter is consistent with sound educational
12 practice. The governing board of the school district shall not deny
13 a petition for the establishment of a charter school unless it makes
14 written factual findings, specific to the particular petition, setting
15 forth specific facts to support one or more of the following
16 findings:

17 (1) The charter school presents an unsound educational program
18 for the pupils to be enrolled in the charter school.

19 (2) The petitioners are demonstrably unlikely to successfully
20 implement the program set forth in the petition.

21 (3) The petition does not contain the number of signatures
22 required by subdivision (a).

23 (4) The petition does not contain an affirmation of each of the
24 conditions described in subdivision (d).

25 (5) The petition does not contain reasonably comprehensive
26 descriptions of all of the following:

27 (A) (i) A description of the educational program of the school,
28 designed, among other things, to identify those whom the school
29 is attempting to educate, what it means to be an “educated person”
30 in the 21st century, and how learning best occurs. The goals
31 identified in that program shall include the objective of enabling
32 pupils to become self-motivated, competent, and lifelong learners.

33 (ii) If the proposed school will serve high school pupils, a
34 description of the manner in which the charter school will inform
35 parents about the transferability of courses to other public high
36 schools and the eligibility of courses to meet college entrance
37 requirements. Courses offered by the charter school that are
38 accredited by the Western Association of Schools and Colleges
39 may be considered transferable and courses approved by the
40 University of California or the California State University as

1 creditable under the “A” to “G” admissions criteria may be
2 considered to meet college entrance requirements.

3 (B) (i) The measurable pupil outcomes identified for use by
4 the charter school. “Pupil outcomes,” for purposes of this part,
5 means the extent to which all pupils of the school demonstrate that
6 they have attained the skills, knowledge, and attitudes specified
7 as goals in the school’s educational program.

8 (ii) *Commencing January 1, 2010, or the effective date of this*
9 *section, whichever date is later, the measurable pupil outcomes*
10 *for purposes of this subparagraph shall comply with Section*
11 *47605.9.*

12 (C) The method by which pupil progress in meeting those pupil
13 outcomes is to be measured.

14 (D) The governance structure of the school, including, but not
15 limited to, the process to be followed by the school to ensure
16 parental involvement.

17 (E) The qualifications to be met by individuals to be employed
18 by the school.

19 (F) The procedures that the school will follow to ensure the
20 health and safety of pupils and staff. These procedures shall include
21 the requirement that each employee of the school furnish the school
22 with a criminal record summary as described in Section 44237.

23 (G) The means by which the school will achieve a racial and
24 ethnic balance among its pupils that is reflective of the general
25 population residing within the territorial jurisdiction of the school
26 district to which the charter petition is submitted.

27 (H) Admission requirements, if applicable.

28 (I) The manner in which annual, independent financial audits
29 shall be conducted, which shall employ generally accepted
30 accounting principles, and the manner in which audit exceptions
31 and deficiencies shall be resolved to the satisfaction of the
32 chartering authority.

33 (J) The procedures by which pupils can be suspended or
34 expelled.

35 (K) The manner by which staff members of the charter schools
36 will be covered by the State Teachers’ Retirement System, the
37 Public Employees’ Retirement System, or federal social security.

38 (L) The public school attendance alternatives for pupils residing
39 within the school district who choose not to attend charter schools.

1 (M) A description of the rights of any employee of the school
2 district upon leaving the employment of the school district to work
3 in a charter school, and of any rights of return to the school district
4 after employment at a charter school.

5 (N) The procedures to be followed by the charter school and
6 the entity granting the charter to resolve disputes relating to
7 provisions of the charter.

8 (O) A declaration whether or not the charter school shall be
9 deemed the exclusive public school employer of the employees of
10 the charter school for the purposes of Chapter 10.7 (commencing
11 with Section 3540) of Division 4 of Title 1 of the Government
12 Code.

13 (P) A description of the procedures to be used if the charter
14 school closes. The procedures shall ensure a final audit of the
15 school to determine the disposition of all assets and liabilities of
16 the charter school, including plans for disposing of any net assets
17 and for the maintenance and transfer of pupil records.

18 (c) (1) Charter schools shall meet all statewide standards and
19 conduct the pupil assessments required pursuant to Sections 60605
20 and 60851 and any other statewide standards authorized in statute
21 or pupil assessments applicable to pupils in noncharter public
22 schools.

23 (2) Charter schools shall, on a regular basis, consult with their
24 parents, legal guardians, and teachers regarding the school's
25 educational programs.

26 (d) (1) In addition to any other requirement imposed under this
27 part, a charter school shall be nonsectarian in its programs,
28 admission policies, employment practices, and all other operations,
29 shall not charge tuition, and shall not discriminate against any
30 pupil on the basis of the characteristics listed in Section 220. Except
31 as provided in paragraph (2), admission to a charter school shall
32 not be determined according to the place of residence of the pupil,
33 or of his or her parent or legal guardian, within this state, except
34 that an existing public school converting partially or entirely to a
35 charter school under this part shall adopt and maintain a policy
36 giving admission preference to pupils who reside within the former
37 attendance area of that public school.

38 (2) (A) A charter school shall admit all pupils who wish to
39 attend the school.

1 (B) However, if the number of pupils who wish to attend the
2 charter school exceeds the school's capacity, attendance, except
3 for existing pupils of the charter school, shall be determined by a
4 public random drawing. Preference shall be extended to pupils
5 currently attending the charter school and pupils who reside in the
6 district except as provided for in Section 47614.5. Other
7 preferences may be permitted by the chartering authority on an
8 individual school basis and only if consistent with the law.

9 (C) In the event of a drawing, the chartering authority shall
10 make reasonable efforts to accommodate the growth of the charter
11 school and in no event shall take any action to impede the charter
12 school from expanding enrollment to meet pupil demand.

13 (3) If a pupil is expelled or leaves the charter school without
14 graduating or completing the school year for any reason, the charter
15 school shall notify the superintendent of the school district of the
16 pupil's last known address within 30 days, and shall, upon request,
17 provide that school district with a copy of the cumulative record
18 of the pupil, including a transcript of grades or report card, and
19 health information. This paragraph applies only to pupils subject
20 to compulsory full-time education pursuant to Section 48200.

21 (e) The governing board of a school district shall not require
22 any employee of the school district to be employed in a charter
23 school.

24 (f) The governing board of a school district shall not require
25 any pupil enrolled in the school district to attend a charter school.

26 (g) The governing board of a school district shall require that
27 the petitioner or petitioners provide information regarding the
28 proposed operation and potential effects of the school, including,
29 but not limited to, the facilities to be utilized by the school, the
30 manner in which administrative services of the school are to be
31 provided, and potential civil liability effects, if any, upon the school
32 and upon the school district. The description of the facilities to be
33 used by the charter school shall specify where the school intends
34 to locate. The petitioner or petitioners shall also be required to
35 provide financial statements that include a proposed first-year
36 operational budget, including startup costs, and cashflow and
37 financial projections for the first three years of operation.

38 (h) In reviewing petitions for the establishment of charter
39 schools within the school district, the governing board of the school
40 district shall give preference to petitions that demonstrate the

1 capability to provide comprehensive learning experiences to pupils
2 identified by the petitioner or petitioners as academically low
3 achieving pursuant to the standards established by the department
4 under Section 54032 as it read prior to July 19, 2006.

5 (i) Upon the approval of the petition by the governing board of
6 the school district, the petitioner or petitioners shall provide written
7 notice of that approval, including a copy of the petition, to the
8 applicable county superintendent of schools, the department, and
9 the state board.

10 (j) (1) If the governing board of a school district denies a
11 petition, the petitioner may elect to submit the petition for the
12 establishment of a charter school to the county board of education.
13 The county board of education shall review the petition pursuant
14 to subdivision (b). If the petitioner elects to submit a petition for
15 establishment of a charter school to the county board of education
16 and the county board of education denies the petition, the petitioner
17 may file a petition for establishment of a charter school with the
18 state board, and the state board may approve the petition, in
19 accordance with subdivision (b). A charter school that receives
20 approval of its petition from a county board of education or from
21 the state board on appeal shall be subject to the same requirements
22 concerning geographic location to which it would otherwise be
23 subject if it received approval from the entity to which it originally
24 submitted its petition. A charter petition that is submitted to either
25 a county board of education or to the state board shall meet all
26 otherwise applicable petition requirements, including the
27 identification of the proposed site or sites where the charter school
28 will operate.

29 (2) In assuming its role as a chartering agency, the state board
30 shall develop criteria to be used for the review and approval of
31 charter school petitions presented to the state board. The criteria
32 shall address all elements required for charter approval, as
33 identified in subdivision (b) and shall define “reasonably
34 comprehensive” as used in paragraph (5) of subdivision (b) in a
35 way that is consistent with the intent of this part. Upon satisfactory
36 completion of the criteria, the state board shall adopt the criteria
37 on or before June 30, 2001.

38 (3) A charter school for which a charter is granted by either the
39 county board of education or the state board based on an appeal

1 pursuant to this subdivision shall qualify fully as a charter school
2 for all funding and other purposes of this part.

3 (4) If either the county board of education or the state board
4 fails to act on a petition within 120 days of receipt, the decision
5 of the governing board of the school district to deny a petition
6 shall, thereafter, be subject to judicial review.

7 (5) The state board shall adopt regulations implementing this
8 subdivision.

9 (6) Upon the approval of the petition by the county board of
10 education, the petitioner or petitioners shall provide written notice
11 of that approval, including a copy of the petition to the department
12 and the state board.

13 (k) (1) The state board may, by mutual agreement, designate
14 its supervisory and oversight responsibilities for a charter school
15 approved by the state board to any local educational agency in the
16 county in which the charter school is located or to the governing
17 board of the school district that first denied the petition.

18 (2) The designated local educational agency shall have all
19 monitoring and supervising authority of a chartering agency,
20 including, but not limited to, powers and duties set forth in Section
21 47607, except the power of revocation, which shall remain with
22 the state board.

23 (3) A charter school that has been granted its charter through
24 an appeal to the state board and elects to seek renewal of its charter
25 shall, prior to expiration of the charter, submit its petition for
26 renewal to the governing board of the school district that initially
27 denied the charter. If the governing board of the school district
28 denies the school's petition for renewal, the school may petition
29 the state board for renewal of its charter.

30 (l) Teachers in charter schools shall hold a Commission on
31 Teacher Credentialing certificate, permit, or other document
32 equivalent to that which a teacher in other public schools would
33 be required to hold. These documents shall be maintained on file
34 at the charter school and are subject to periodic inspection by the
35 chartering authority. It is the intent of the Legislature that charter
36 schools be given flexibility with regard to noncore, noncollege
37 preparatory courses.

38 (m) A charter school shall transmit a copy of its annual,
39 independent financial audit report for the preceding fiscal year, as
40 described in subparagraph (I) of paragraph (5) of subdivision (b),

1 to its chartering entity, the Controller, the county superintendent
2 of schools of the county in which the charter school is sited, unless
3 the county board of education of the county in which the charter
4 school is sited is the chartering entity, and the department by
5 December 15 of each year. This subdivision does not apply if the
6 audit of the charter school is encompassed in the audit of the
7 chartering entity pursuant to Section 41020.

8 SEC. 3. Section 47605.6 of the Education Code is amended to
9 read:

10 47605.6. (a) (1) In addition to the authority provided by
11 Section 47605.5, a county board of education may also approve a
12 petition for the operation of a charter school that operates at one
13 or more sites within the geographic boundaries of the county and
14 that provides instructional services that are not generally provided
15 by a county office of education. A county board of education may
16 only approve a countywide charter if it finds, in addition to the
17 other requirements of this section, that the educational services to
18 be provided by the charter school will offer services to a pupil
19 population that will benefit from those services and that cannot be
20 served as well by a charter school that operates in only one school
21 district in the county. A petition for the establishment of a
22 countywide charter school pursuant to this subdivision may be
23 circulated throughout the county by any one or more persons
24 seeking to establish the charter school. The petition may be
25 submitted to the county board of education for review after either
26 of the following conditions are met:

27 (A) The petition has been signed by a number of parents or
28 guardians of pupils residing within the county that is equivalent
29 to at least one-half of the number of pupils that the charter school
30 estimates will enroll in the school for its first year of operation and
31 each of the school districts where the charter school petitioner
32 proposes to operate a facility has received at least 30 days notice
33 of the petitioner's intent to operate a school pursuant to this section.

34 (B) The petition has been signed by a number of teachers that
35 is equivalent to at least one-half of the number of teachers that the
36 charter school estimates will be employed at the school during its
37 first year of operation and each of the school districts where the
38 charter school petitioner proposes to operate a facility has received
39 at least 30 days notice of the petitioner's intent to operate a school
40 pursuant to this section.

1 (2) An existing public school may not be converted to a charter
2 school in accordance with this section.

3 (3) After receiving approval of its petition, a charter school that
4 proposes to establish operations at additional sites within the
5 geographic boundaries of the county board of education shall notify
6 the school districts where those sites will be located. The charter
7 school shall also request a material revision of its charter by the
8 county board of education that approved its charter and the county
9 board shall consider whether to approve those additional locations
10 at an open, public meeting, held no sooner than 30 days following
11 notification of the school districts where the sites will be located.
12 If approved, the location of the approved sites shall be a material
13 revision of the school's approved charter.

14 (4) A petition shall include a prominent statement indicating
15 that a signature on the petition means that the parent or guardian
16 is meaningfully interested in having his or her child or ward attend
17 the charter school, or in the case of a teacher's signature, means
18 that the teacher is meaningfully interested in teaching at the charter
19 school. The proposed charter shall be attached to the petition.

20 (b) No later than 60 days after receiving a petition, in accordance
21 with subdivision (a), the county board of education shall hold a
22 public hearing on the provisions of the charter, at which time the
23 county board of education shall consider the level of support for
24 the petition by teachers, parents or guardians, and the school
25 districts where the charter school petitioner proposes to place
26 school facilities. Following review of the petition and the public
27 hearing, the county board of education shall either grant or deny
28 the charter within 90 days of receipt of the petition. However, this
29 date may be extended by an additional 30 days if both parties agree
30 to the extension. A county board of education may impose any
31 additional requirements beyond those required by this section that
32 it considers necessary for the sound operation of a countywide
33 charter school. A county board of education may grant a charter
34 for the operation of a school under this part only if the board is
35 satisfied that granting the charter is consistent with sound
36 educational practice and that the charter school has reasonable
37 justification for why it could not be established by petition to a
38 school district pursuant to Section 47605. The county board of
39 education shall deny a petition for the establishment of a charter
40 school if the board finds, one or more of the following:

1 (1) The charter school presents an unsound educational program
2 for the pupils to be enrolled in the charter school.

3 (2) The petitioners are demonstrably unlikely to successfully
4 implement the program set forth in the petition.

5 (3) The petition does not contain the number of signatures
6 required by subdivision (a).

7 (4) The petition does not contain an affirmation of each of the
8 conditions described in subdivision (d).

9 (5) The petition does not contain reasonably comprehensive
10 descriptions of all of the following:

11 (A) (i) A description of the educational program of the school,
12 designed, among other things, to identify those pupils whom the
13 school is attempting to educate, what it means to be an “educated
14 person” in the 21st century, and how learning best occurs. The
15 goals identified in that program shall include the objective of
16 enabling pupils to become self-motivated, competent, and lifelong
17 learners.

18 (ii) If the proposed charter school will enroll high school pupils,
19 a description of the manner in which the manner in which the
20 charter school will inform parents regarding the transferability of
21 courses to other public high schools. Courses offered by the charter
22 school that are accredited by the Western Association of Schools
23 and Colleges may be considered to be transferable to other public
24 high schools.

25 (iii) If the proposed charter school will enroll high school pupils,
26 information as to the manner in which the charter school will
27 inform parents as to whether each individual course offered by the
28 charter school meets college entrance requirements. Courses
29 approved by the University of California or the California State
30 University as satisfying their prerequisites for admission may be
31 considered as meeting college entrance requirements for purposes
32 of this clause.

33 (B) (i) The measurable pupil outcomes identified for use by
34 the charter school. “Pupil outcomes,” for purposes of this part,
35 means the extent to which all pupils of the school demonstrate that
36 they have attained the skills, knowledge, and attitudes specified
37 as goals in the school’s educational program.

38 (ii) *Commencing January 1, 2010, or the effective date of this*
39 *section, whichever date is later, the measurable pupil outcomes*

1 *for purposes of this subparagraph shall comply with Section*
2 *47605.9.*

3 (C) The method by which pupil progress in meeting those pupil
4 outcomes is to be measured.

5 (D) The location of each charter school facility that the petitioner
6 proposes to operate.

7 (E) The governance structure of the school, including, but not
8 limited to, the process to be followed by the school to ensure
9 parental involvement.

10 (F) The qualifications to be met by individuals to be employed
11 by the school.

12 (G) The procedures that the school will follow to ensure the
13 health and safety of pupils and staff. These procedures shall include
14 the requirement that each employee of the school furnish the school
15 with a criminal record summary as described in Section 44237.

16 (H) The means by which the school will achieve a racial and
17 ethnic balance among its pupils that is reflective of the general
18 population residing within the territorial jurisdiction of the school
19 district to which the charter petition is submitted.

20 (I) The manner in which annual, independent, financial audits
21 shall be conducted, in accordance with regulations established by
22 the ~~State Board of Education~~ *state board*, and the manner in which
23 audit exceptions and deficiencies shall be resolved.

24 (J) The procedures by which pupils can be suspended or
25 expelled.

26 (K) The manner by which staff members of the charter schools
27 will be covered by the State Teachers' Retirement System, the
28 Public Employees' Retirement System, or federal social security.

29 (L) The procedures to be followed by the charter school and the
30 county board of education to resolve disputes relating to provisions
31 of the charter.

32 (M) A declaration whether or not the charter school shall be
33 deemed the exclusive public school employer of the employees of
34 the charter school for the purposes of the Educational Employment
35 Relations Act (Chapter 10.7 (commencing with Section 3540) of
36 Division 4 of Title 1 of the Government Code).

37 (N) Admission requirements, of the charter school, if applicable.

38 (O) The public school attendance alternatives for pupils residing
39 within the county who choose not to attend the charter school.

1 (P) A description of the rights of an employee of the county
2 office of education, upon leaving the employment of the county
3 office of education, to be employed by the charter school, and a
4 description of any rights of return to the county office of education
5 that an employee may have upon leaving the employ of the charter
6 school.

7 (Q) A description of the procedures to be used if the charter
8 school closes. The procedures shall ensure a final audit of the
9 school to determine the disposition of all assets and liabilities of
10 the charter school, including plans for disposing of any net assets
11 and for the maintenance and transfer of public records.

12 (6) Any other basis that the board finds justifies the denial of
13 the petition.

14 (c) A county board of education that approves a petition for the
15 operation of a countywide charter may, as a condition of charter
16 approval, enter into an agreement with a third party, at the expense
17 of the charter school, to oversee, monitor, and report to the county
18 board of education on the operations of the charter school. The
19 county board of education may prescribe the aspects of the charter
20 school's operations to be monitored by the third party and may
21 prescribe appropriate requirements regarding the reporting of
22 information concerning the operations of the charter school to the
23 county board of education.

24 (d) (1) Charter schools shall meet all statewide standards and
25 conduct the pupil assessments required pursuant to Section 60605
26 and any other statewide standards authorized in statute or pupil
27 assessments applicable to pupils in noncharter public schools.

28 (2) Charter schools shall on a regular basis consult with their
29 parents and teachers regarding the school's educational programs.

30 (e) (1) In addition to any other requirement imposed under this
31 part, a charter school shall be nonsectarian in its programs,
32 admission policies, employment practices, and all other operations,
33 shall not charge tuition, and shall not discriminate against any
34 pupil on the basis of ethnicity, national origin, gender, or disability.
35 Except as provided in paragraph (2), admission to a charter school
36 shall not be determined according to the place of residence of the
37 pupil, or of his or her parent or guardian, within this state.

38 (2) (A) A charter school shall admit all pupils who wish to
39 attend the school.

1 (B) However, if the number of pupils who wish to attend the
2 charter school exceeds the school's capacity, attendance, except
3 for existing pupils of the charter school, shall be determined by a
4 public random drawing. Preference shall be extended to pupils
5 currently attending the charter school and pupils who reside in the
6 county except as provided for in Section 47614.5. Other preferences
7 may be permitted by the chartering authority on an individual
8 school basis and only if consistent with the law.

9 (C) In the event of a drawing, the county board of education
10 shall make reasonable efforts to accommodate the growth of the
11 charter school and, in no event, shall take any action to impede
12 the charter school from expanding enrollment to meet pupil
13 demand.

14 (f) No county board of education shall require any employee of
15 the county or a school district to be employed in a charter school.

16 (g) No county board of education shall require any pupil enrolled
17 in a county program to attend a charter school.

18 (h) The county board of education shall require that the
19 petitioner or petitioners provide information regarding the proposed
20 operation and potential effects of the school, including, but not
21 limited to, the facilities to be utilized by the school, the manner in
22 which administrative services of the school are to be provided,
23 and potential civil liability effects, if any, upon the school, any
24 school district where the charter school may operate and upon the
25 county board of education. The petitioner or petitioners shall also
26 be required to provide financial statements that include a proposed
27 first-year operational budget, including startup costs, and cashflow
28 and financial projections for the first three years of operation.

29 (i) In reviewing petitions for the establishment of charter schools
30 within the county, the county board of education shall give
31 preference to petitions that demonstrate the capability to provide
32 comprehensive learning experiences to pupils identified by the
33 petitioner or petitioners as academically low-achieving pursuant
34 to the standards established by the ~~State Department of Education~~
35 *department* under Section 54032 *as it read prior to July 19, 2006*.

36 (j) Upon the approval of the petition by the county board of
37 education, the petitioner or petitioners shall provide written notice
38 of that approval, including a copy of the petition, to the school
39 districts within the county, the Superintendent of *Public Instruction*
40 and to the ~~State Board of Education~~ *state board*.

1 (k) If a county board of education denies a petition, the petitioner
2 may not elect to submit the petition for the establishment of the
3 charter school to the State Board of Education.

4 (l) Teachers in charter schools shall be required to hold a
5 Commission on Teacher Credentialing certificate, permit, or other
6 document equivalent to that which a teacher in other public schools
7 would be required to hold. These documents shall be maintained
8 on file at the charter school and shall be subject to periodic
9 inspection by the chartering authority.

10 (m) A charter school shall transmit a copy of its annual,
11 independent, financial audit report for the preceding fiscal year,
12 as described in subparagraph (I) of paragraph (5) of subdivision
13 (b), to the County Office of Education, State Controller, and the
14 ~~State Department of Education~~ *department* by December 15 of
15 each year. This subdivision shall not apply if the audit of the charter
16 school is encompassed in the audit of the chartering entity pursuant
17 to Section 41020.

18 SEC. 4. Section 47605.9 is added to the Education Code, to
19 read:

20 47605.9. (a) This section shall be known and may be cited as
21 the Charter School Accountability Act of 2009.

22 (b) Commencing January 1, 2010, or the effective date of this
23 section, whichever date is later, a charter school petition submitted
24 pursuant to Section 47605 or 47605.6 shall contain a
25 comprehensive description of measurable pupil outcomes selected
26 pursuant to this section that are consistent with the skills,
27 knowledge, and attitudes identified as goals in the school's
28 educational program. A charter school shall use the measurable
29 pupil outcomes for purposes of annual assessment of pupil
30 performance and annually shall submit the outcomes to the
31 authorizing district or agency, the Superintendent, and the state
32 board.

33 (c) The measurable pupil outcomes selected pursuant to this
34 section shall include all of the following:

35 (1) Academic Performance Index results.

36 (2) Academic Performance Index results for the subgroups
37 identified pursuant to the federal Elementary and Secondary
38 Education Act, including, but not limited to, English language
39 learners and individuals with exceptional needs.

40 (3) Academic Performance Index growth target results.

1 (4) Pupil retention and drop out rates for charter schools that
2 serve pupils in any of grades 8 to 12, inclusive.

3 (5) Pupil attendance rates.

4 (6) Teacher retention and turnover rates.

5 (7) At least one of the following in order to reflect the academic
6 and enrichment goals of the charter school's educational program:

7 (A) Schoolwide or grade-level-specific performance on
8 individual subject area California Standards Tests.

9 (B) Number of pupils enrolled in and completing advanced
10 placement coursework.

11 (C) Number of pupils taking entrance examinations for two-
12 and four-year postsecondary educational institutions or
13 apprenticeship programs.

14 (D) Number of pupils taking standards-aligned coursework
15 beyond the minimum state graduation requirements, including,
16 but not limited to, fine arts, career technical education, and science.

17 (E) Number of pupils participating in school-sponsored or
18 affiliated before or after school activities.

19 (F) Selected data results from the annual California Healthy
20 Kids Survey.

21 (G) Any other pupil performance indicator determined by the
22 charter school to demonstrate progress toward one or more
23 academic or enrichment goals.

24 (c) Commencing January 1, 2011, all charter renewals pursuant
25 to Section 47607 shall contain a comprehensive description of
26 measurable pupil outcomes selected pursuant to this section that
27 are consistent with the skills, knowledge, and attitudes identified
28 as goals in the school's educational program. A charter school
29 shall use the measurable pupil outcomes for purposes of annual
30 assessment of pupil performance and annually shall submit the
31 outcomes to the authorizing district or agency and the state board.

32 (d) By January 1, 2012, all charter schools authorized prior to
33 January 1, 2010, or the effective date of this section, whichever
34 date is later, shall submit to the authorizing school district or
35 agency a comprehensive description of measurable pupil outcomes
36 selected pursuant to this section that are consistent with the skills,
37 knowledge, and attitudes identified as goals in the school's
38 educational program. A charter school shall use the measurable
39 pupil outcomes for purposes of annual assessment of pupil

1 performance and annually shall submit the outcomes to the
2 authorizing district or agency and the state board.

3 SEC. 5. Section 47607 of the Education Code is amended to
4 read:

5 47607. (a) (1) A charter may be granted pursuant to Sections
6 47605, 47605.5, and 47606 for a period not to exceed five years.
7 A charter granted by a school district governing board, a county
8 board of education or the state board, may be granted one or more
9 subsequent renewals by that entity. Each renewal shall be for a
10 period of five years. A material revision of the provisions of a
11 charter petition may be made only with the approval of the
12 authority that granted the charter. The authority that granted the
13 charter may inspect or observe any part of the charter school at
14 any time.

15 (2) Renewals and material revisions of charters are governed
16 by the standards and criteria in Section 47605, and shall include,
17 but not be limited to, a reasonably comprehensive description of
18 any new requirement of charter schools enacted into law after the
19 charter was originally granted or last renewed.

20 (b) Commencing on January 1, 2005, or after a charter school
21 has been in operation for four years, whichever date occurs later,
22 a charter school shall meet at least one of the following criteria
23 prior to receiving a charter renewal pursuant to paragraph (1) of
24 subdivision (a):

25 (1) Attained its Academic Performance Index (API) growth
26 target in the prior year or in two of the last three years, or in the
27 aggregate for the prior three years.

28 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior
29 year or in two of the last three years.

30 (3) Ranked in deciles 4 to 10, inclusive, on the API for a
31 demographically comparable school in the prior year or in two of
32 the last three years.

33 (4) (A) The entity that granted the charter determines ~~that the~~
34 *both of the following*:

35 (i) *The* academic performance of the charter school is at least
36 equal to the academic performance of the public schools that the
37 charter school pupils would otherwise have been required to attend,
38 as well as the academic performance of the schools in the school
39 district in which the charter school is located, taking into account

1 the composition of the pupil population that is served at the charter
2 school.

3 (ii) *The charter school demonstrates through annual data*
4 *submitted pursuant to Section 47605.9 that the charter school has*
5 *achieved positive progress on each of the measurable pupil*
6 *outcomes selected by the school.*

7 (B) The determination made pursuant to this paragraph shall be
8 based upon all of the following:

9 (i) Documented and clear and convincing data.

10 (ii) Pupil achievement data from assessments, including, but
11 not limited to, the Standardized Testing and Reporting Program
12 established by Article 4 (commencing with Section 60640) of
13 Chapter 5 of Part 33 for demographically similar pupil populations
14 in the comparison schools.

15 (iii) Information submitted by the charter school.

16 (C) A chartering authority shall submit to the Superintendent
17 and the state board copies of supporting documentation and a
18 written summary of the basis for any determination made pursuant
19 to this paragraph. The Superintendent shall review the materials
20 and make recommendations to the chartering authority based on
21 that review. The review may be the basis for a recommendation
22 made pursuant to Section 47604.5.

23 (D) A charter renewal may not be granted to a charter school
24 prior to 30 days after that charter school submits materials pursuant
25 to this paragraph.

26 (5) Has qualified for an alternative accountability system
27 pursuant to subdivision (h) of Section 52052.

28 (c) A charter may be revoked by the authority that granted the
29 charter under this chapter if the authority finds, through a showing
30 of substantial evidence, that the charter school did any of the
31 following:

32 (1) Committed a material violation of any of the conditions,
33 standards, or procedures set forth in the charter.

34 (2) Failed to meet or pursue any of the pupil outcomes identified
35 in the charter pursuant to subdivision (b) and Section 47605.9.

36 (3) Failed to meet generally accepted accounting principles, or
37 engaged in fiscal mismanagement.

38 (4) Violated any provision of law.

39 (d) Prior to revocation, the authority that granted the charter
40 shall notify the charter public school of any violation of this section

1 and give the school a reasonable opportunity to remedy the
2 violation, unless the authority determines, in writing, that the
3 violation constitutes a severe and imminent threat to the health or
4 safety of the pupils.

5 (e) Prior to revoking a charter for failure to remedy a violation
6 pursuant to subdivision (d), and after expiration of the school's
7 reasonable opportunity to remedy without successfully remedying
8 the violation, the chartering authority shall provide a written notice
9 of intent to revoke and notice of facts in support of revocation to
10 the charter school. No later than 30 days after providing the notice
11 of intent to revoke a charter, the chartering authority shall hold a
12 public hearing, in the normal course of business, on the issue of
13 whether evidence exists to revoke the charter. No later than 30
14 days after the public hearing, the chartering authority shall issue
15 a final decision to revoke or decline to revoke the charter, unless
16 the chartering authority and the charter school agree to extend the
17 issuance of the decision by an additional 30 days. The chartering
18 authority shall not revoke a charter, unless it makes written factual
19 findings supported by substantial evidence, specific to the charter
20 school, that support its findings.

21 (f) (1) If a school district is the chartering authority and it
22 revokes a charter pursuant to this section, the charter school may
23 appeal the revocation to the county board of education within 30
24 days following the final decision of the chartering authority.

25 (2) The county board may reverse the revocation decision if the
26 county board determines that the findings made by the chartering
27 authority under subdivision (e) are not supported by substantial
28 evidence. The school district may appeal the reversal to the state
29 board.

30 (3) If the county board does not issue a decision on the appeal
31 within 90 days of receipt, or the county board upholds the
32 revocation, the charter school may appeal the revocation to the
33 state board.

34 (4) The state board may reverse the revocation decision if the
35 state board determines that the findings made by the chartering
36 authority under subdivision (e) are not supported by substantial
37 evidence. The state board may uphold the revocation decision of
38 the school district if the state board determines that the findings
39 made by the chartering authority under subdivision (e) are
40 supported by substantial evidence.

1 (g) (1) If a county office of education is the chartering authority
2 and the county board revokes a charter pursuant to this section,
3 the charter school may appeal the revocation to the state board
4 within 30 days following the decision of the chartering authority.

5 (2) The state board may reverse the revocation decision if the
6 state board determines that the findings made by the chartering
7 authority under subdivision (e) are not supported by substantial
8 evidence.

9 (h) If the revocation decision of the chartering authority is
10 reversed on appeal, the agency that granted the charter shall
11 continue to be regarded as the chartering authority.

12 (i) During the pendency of an appeal filed under this section, a
13 charter school, whose revocation proceedings are based on
14 paragraph (1) or (2) of subdivision (c), shall continue to qualify
15 as a charter school for funding and for all other purposes of this
16 part, and may continue to hold all existing grants, resources, and
17 facilities, in order to ensure that the education of pupils enrolled
18 in the school is not disrupted.

19 (j) Immediately following the decision of a county board to
20 reverse a decision of a school district to revoke a charter, the
21 following shall apply:

22 (1) The charter school shall qualify as a charter school for
23 funding and for all other purposes of this part.

24 (2) The charter school may continue to hold all existing grants,
25 resources, and facilities.

26 (3) Any funding, grants, resources, and facilities that had been
27 withheld from the charter school, or that the charter school had
28 otherwise been deprived of use, as a result of the revocation of the
29 charter shall be immediately reinstated or returned.

30 (k) A final decision of a revocation or appeal of a revocation
31 pursuant to subdivision (c) shall be reported to the chartering
32 authority, the county board, and the department.

33 SEC. 6. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

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